

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CROSS RIVER BANK,

Plaintiff,

v.

3 BEA'S ASSISTED LIVING LLC, *et al.*,

Defendants.

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Case No. TJS-21-3210

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ORDER

For the reasons stated in Plaintiff Cross River Bank's Memorandum in Support of Plaintiff's Petition for Counsel Fees (ECF No. 64) and its Bill of Costs (ECF No. 65), and with no response in opposition having been filed to either request, the Court orders as follows:¹

1. Plaintiff Cross River Bank is awarded its reasonable attorney's fees in the total amount of \$317,155.75 (of these fees, \$297,636 are from Starr, Gern, Davison & Rubin, P.C. and \$19,519.75 from Bean, Kinney & Korman, P.C.).

2. Plaintiff Cross River Bank is awarded its taxable costs in the amount of \$1,427.80.

¹ Defendants filed their Notice of Appeal on December 4, 2023. ECF No. 67. While the filing of a notice of appeal typically "confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal," *Griggs v. Provident Cons. Disc. Co.*, 459 U.S. 56, 58 (1982), "[t]he award of costs and attorney's fees have generally been recognized as collateral issues appropriate for resolution by the trial court when an appeal" is underway. *Carrera v. E.M.D. Sales, Inc.*, No. JKB-17-3066, 2021 WL 6077120, at *1 (D. Md. Dec. 23, 2021) (quoting *Cannon v. Vill. of Bald Head Island, N.C.*, Civ. No. 7:15-CV-0187, 2021 WL 3177410, at *1 (E.D.N.C. July 27, 2021) (citing *Buchanan v. Stanships, Inc.*, 483 U.S. 265, 268 (1988) and *Langham-Hill Petroleum, Inc. v. S. Fuels Co.*, 813 F.2d 1327, 1331 (4th Cir. 1987)). The Court therefore has jurisdiction to award attorney's fees and costs even after Defendants have appealed the underlying judgment.

3. The attorney's fees and costs awarded in this Order are entered in favor of Plaintiff Cross River Bank and against Defendant 3 Bea's Assisted Living LLC, also known as Three Bea's Assisted Living, and Defendant Connie Stewart, with joint and several liability.

4. The attorney's fees and costs awarded in this Order are in addition to the previously entered judgment (ECF No. 63) against Defendants.

5. The motion to seal filed at ECF No. 66 is **GRANTED**.

Date: December 5, 2023

/s/
Timothy J. Sullivan
Chief United States Magistrate Judge